

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 15-43828
Chapter 7

James Alan Rothers,

Debtors.

**NOTICE OF HEARING AND MOTION FOR ORDER
AUTHORIZING RULE 2004 EXAMINATIONS**

TO: Entities specified in Local Rule 9013-3.

1. J. Richard Stermer, the Chapter 7 Trustee of the above-captioned bankruptcy estate, applies to the Court for authorization to conduct Bankruptcy Rule 2004 examinations of Apol's Harley-Davidson, Nolan Baker Ford Sales Inc., Bremer Bank, N.A., Austin Rothers Holding Company, LLC, Unzen Motors and Jeffrey Adams Rothers.

2. The Court will hold a hearing on this motion at 9:30 a.m. on February 15, 2017, before the Honorable Michael A. Ridgway, in Courtroom 7 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery no later than February 10, 2017, which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This case was commenced by the filing of a voluntary chapter 7 petition on November 3, 2015.

5. The case is currently pending in this Court. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §§157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-

1. This proceeding is a core proceeding. This Application arises under Bankruptcy Rule 2004 and is filed under Local Rule 2004-1.

6. The entities/individuals for which Rule 2004 examination authority is sought are as follows:

(a) Apol's Harley-Davidson – Debtor, either individually or via an entity, purchased a Harley Davidson motorcycle from this entity.

(b) Nolan Baker Ford Sales Inc. – Debtor, either individually or via an entity, purchased a vehicle or vehicles from this entity.

(c) Bremer Bank, N.A. – Debtor's son, Austin, maintained an account at this bank which was funded by the Debtor.

(d) Austin Rothers Holding Company, LLC – This entity appears to hold assets owned or controlled by the Debtor.

(e) Unzen Motors – Debtor, either individually or through an entity, purchased a vehicle or vehicles from this entity.

(f) Jeffrey Adams Rothers – This individual is Debtor's brother and may possess assets owned or controlled by the Debtor.

7. The Trustee needs to obtain information from Apol's Harley-Davidson, Nolan Baker Ford Sales Inc., Bremer Bank, N.A., Austin Rothers Holding Company, LLC, Unzen Motors and Jeffrey Adams Rothers so that he can determine the assets of this bankruptcy estate and administer the estate.

WHEREFORE, the Trustee requests that the Court enter an order approving the Trustee's examinations, pursuant to Bankruptcy Rule 2004, of Apol's Harley-Davidson, Nolan Baker Ford

Sales Inc., Bremer Bank, N.A., Austin Rothers Holding Company, LLC, Unzen Motors and Jeffrey Adams Rothers.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

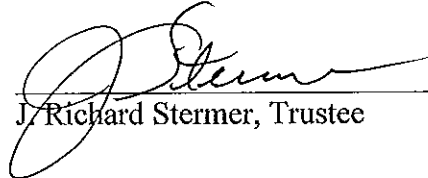
Dated: January 26, 2017

By _____
Matthew R. Burton, #210018
Attorneys for J. Richard Stermer, Trustee
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402-1234
(612) 332-1030

VERIFICATION

I, J. Richard Stermer, the Trustee for the Estate of James Alan Rothers, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

January 26, 2017



J. Richard Stermer, Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

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CERTIFICATE OF SERVICE

I, Hillary Brown, under penalty of perjury, hereby declare that on January 26, 2017, in connection with the above-referenced matter, the following documents:

Notice of Hearing and Motion for Order Authorizing Rule 2004 Examinations

Proposed Order for Rule 2004 Examinations

was served via US Mail:

SEE ATTACHED SERVICE LIST.

Dated: January 26, 2017

/s/ Hillary A. Brown
Hillary A. Brown

SERVICE LIST
JAMES ALAN ROTHERS
BKY NO. 15-43828

Officer or Managing Agent
Bremer Bank, N.A.
372 St. Peter Street
St. Paul, MN 55102

Officer or Managing Agent
Austin Rothers Holding Company, LLC
202 N 14th Street
Kerkhoven, MN 56252-9300

Officer or Managing Agent
Apol's Harley-Davidson Shop
1515 42nd Ave W
Alexandria, MN 56308

Officer or Managing Agent
Unzen Motors
506 S Dakota St.
Milbank, SD 57252

Officer or Managing Agent
Nolan Baker Ford Sales, Inc.
901 Atlantic Avenue
Kerkhoven, MN 56252

Jeffrey Rothers
265 160th Ave NE
Murdock, MN 56271-7963

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ORDER FOR RULE 2004 EXAMINATIONS

This case is before the Court on the motion of the trustee to allow him to conduct examinations pursuant to Federal Rule of Bankruptcy Procedure 2004.

Based on files and records,

It is ordered:

The trustee may examine Apol's Harley-Davidson, Nolan Baker Ford Sales Inc., Bremer Bank, N.A., Austin Rothers Holding Company, LLC, Unzen Motors and Jeffrey Adams Rothers pursuant to Federal Rule of Bankruptcy Procedure 2004.

Dated: _____

United States Bankruptcy Judge